# Albany County Request for Contract Approval

Contract #	2022-388
Contract Type	B) CAB Contract
Contract Action	A) New
Contract Action Type	A) New
Department	A1450 - Board of Elections
Date Submitted	Thursday, June 16, 2022
Contact Person	Bledi, Rachel
Contact Phone	1 (518) 487-5070
Vendor Info	Vincy's Printing LTD 1832 Curry Rd., Schenectady, NY 12306
Estimated Amount	\$99,999.00
Estimated Term	7/1/2022 to 12/31/2022
Scope of Services	We are seeking approval of a contract with Vincy's Printing, Ltd., which will provide ballot stock paper on an as-needed basis for the primary, general and any special elections held within July 1, 2022 and December 31, 2022. Vincy's was the sole bidder for RFB#2022-069, a purchasing cooperative agreement.
Budget Line Item	AA1450 - 44042
Fiscal Impact	County: 100.00% State: 0.00% Federal: 0.00% Local: 0.00% Other: 0.00%
BID, RFP, RFQ Completed?	Yes - BID

Budget Analyst

Date

For Contract Board Use:

Date Approved

Daniel P. McCoy Albany County Executive Bruce A. Hidley Albany County Clerk Andrew Joyce, Chairman Albany County Legislature



# Albany County **Board of Elections**

260 S. PEARL ST. ALBANY, NEW YORK 12202 OFFICE HOURS: 8:30 A.M. TO 4:30 P.M. TELEPHONE: (518) 487-5060 FAX: (518) 487-5077 WWW.ALBANYCOUNTY.COM /VOTE/

### <u>MEMO</u>

TO:	The Contract Administration Board
FROM:	Rachel Bledi, Board of Elections Commissioner Kathleen Donovan, Board of Elections Commissioner
CC:	Dave Reilly, Commissioner, Department of Management and Budget Sameer Modasra, Budget Analyst, Department of Management and Budget
RE:	Ballot Paper
DATE:	06/16/2022

We are seeking approval of a contract with Vincy's Printing, Ltd., which will provide ballot stock paper on an as-needed basis for the primary, general and any special elections held within July 1, 2022 and December 31, 2022.

Vincy's was the sole bidder for RFB#2022-069, a purchasing cooperative agreement.



DANIEL P. McCOY COUNTY EXECUTIVE COUNTY OF ALBANY DEPARTMENT OF GENERAL SERVICES PURCHASING DIVISION 112 STATE STREET, ROOM 1000 ALBANY, NEW YORK 12207-2021 (518) 447-7140 - FAX (518) 447-5588

DAVID M. LATINA COMMISSIONER OF GENERAL SERVICES

> PAMELA O NEILL PURCHASING AGENT

# MEMORANDUM

TO:	Commissioner Rachel Bledi
	Commissioner Kathleen A. Donovan

FROM: Pamela O Neill

**DATE:** June 15, 2022

# **RE:** RFB#2022-069 Purchase of Ballot Paper

I am in receipt of your recommendation to award the aforementioned to Vincy's Printing.

As Vincy's Printing is the lowest responsible and responsive bidder, I concur with your recommendation.

Please obtain the necessary contract approval of the Contract Administration Board so that we may issue a Notice of Award.

# **COUNTY OF ALBANY**

#### **BID FORM**

### **BID IDENTIFICATION:**

Title: Purchase of Ballot Paper Bid Number: 2022-069

#### THIS BID IS SUBMITTED TO:

Pamela O Neill, Purchasing Agent Albany County Department of General Services Purchasing Division 112 State Street, Room 1000 Albany, NY 12207-2021

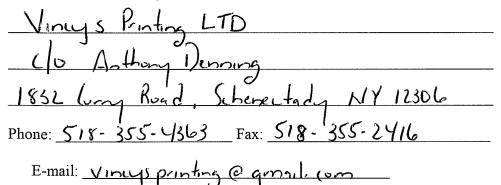
- 1. The undersigned BIDDER proposes and agrees, if this bid is accepted, to accept a Purchase Order for the goods described in the bid form and deliver said goods within the time indicated in this bid.
- 2. BIDDER accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the Disposition of Bid Security. This Bid may remain open for ninety (90) days after the day of Bid opening. BIDDER will submit the Contract Security and other documents required by the General Instructions to Bidder within fifteen days after the date of OWNER'S Notice of Award.
- 3. In submitting this Bid, BIDDER represents, as more fully set forth in this Bid, that:
  - (a) BIDDER has examined copies of all the Bid Documents and of the following addenda: (If none, so state)

Date 6/3/2022 Number None

(receipt of all of which is hereby acknowledged) and also copies of the Notice to Bidders and the Instructions to Bidders;

(b) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; BIDDER has not directly or indirectly induced or solicited any other BIDDER to submit a false or sham Bid; BIDDER has not solicited or induced any person, firm or a corporation to refrain from bidding: and BIDDER has not sought by collusion to obtain for himself any advantage over any other Bidder or over the owner.

- 4. BIDDER will deliver the goods for the following prices(s): (Attach Bid Proposal)
- 5. BIDDER agrees to deliver the Goods within the number of calendar days or by the specific date indicated in the Bid.
- 6. The following documents are attached to and made a condition of this Bid:
  - (a) Non-Collusive Bidding Certificate (Attachment "A")
  - (b) Acknowledgment by Bidder (Attachment "B")
  - (c) Vendor Responsibility Questionnaire (Attachment "C")
  - (d) Iranian Energy Divestment Certification (Attachment "D")
- 7. Communication concerning this Bid shall be addressed to:



8. Terms used in this Bid have the meanings assigned to them in the Contract and General Provisions.

A. Lot (One) 80# Weyerhaeuser-Opaque White/or appri	user-Opaque White/or	approved e	oved equivalent						
Total Ballot Size	Micro-Perforated Stub length (50 teeth/Inch)*	Price per 1,000	Price per 5,000	Price per 10,000	Price per 50,000	Price per 100,000	Price per 150,000	Price per 200,000	Row Total
8 1/2" x 14"	N/A-No Stub	\$125.00	\$521.00	\$1,031.00	\$5,022.00	\$9,528.00	\$12,248.00	\$16,244.00	\$44,719.00
8 1/2" x 15	1"	\$335.00	\$790.00	\$1,927.00	\$5,535.00	\$10,406.00	\$13,491.00	\$17,549.00	\$50,033.00
8 1/2" x 15" -with color bar	1"	\$720.00	\$1,403.00	\$2,456.00	\$6,403.00	\$11,724.00	\$15,318.00	\$19,429.00	\$57,453.00
8 1/2" × 16"	2"	\$335.00	\$790.00	\$1,927.00	\$5,535.00	\$10,406.00	\$13,491.00	\$17,549.00	\$50,033.00
8 1/2" x 16" -with color bar	2"	\$720.00	\$1,403.00	\$2,456.00	\$6,403.00	720.00 \$1,403.00 \$2,456.00 \$6,403.00 \$11,724.00	\$15,318.00	\$19,429.00	\$57,453.00
8 1/2" x 18"	1"	\$335.00	\$790.00	\$1,927.00	\$5,535.00	\$10,406.00	\$13,491.00	\$17,549.00	\$50,033.00
8 1/2" x 18"-with color bar	1"	\$720.00	\$1,403.00	\$2,456.00	\$6,403.00	\$11,724.00	\$15,318.00	\$19,429.00	\$57,453.00
8 1/2" × 17"	No Stub	\$125.00	\$521.00	\$1,031.00	\$5,022.00	\$9,528.00	\$12,248.00	\$16,244.00	\$44,719.00
8 1/2" x 19"	2"	\$335.00	\$790.00	\$1,927.00	\$5,535.00	\$10,406.00	\$13,491.00	\$17,549.00	\$50,033.00
8 1/2" x 19"-with color bar	2"	\$720.00	\$1,403.00	\$2,456.00	\$6,403.00	\$11,724.00	\$15,318.00	\$19,429.00	\$57,453.00
								Grand Total of Lot	¢510.202.00
									00.70c'etcé
								_	

B. Lot (Two) 100# Text (Cascades Fine Paper, Rolland Opaque30) White/or approved equivalent	cades Fine Paper, Rollar	nd Opaque3	0) White/o	or approved	equivalent				
Total Ballot Size	Micro-Perforated Stub length (50 teeth/Inch)*	Price per 1,000	Price per 5,000	Price per 10,000	Price per 50,000	Price per 100,000	Price per 150,000	Price per 200,000	Row Total
8 1/2" x 14"	N/A-No Stub	\$142.00	\$588.00	\$1,105.00	\$6,202.00	\$1,105.00 \$6,202.00 \$11,929.00	\$17,232.00	\$20,931.00	\$58,129.00
8 1/2" x 15	1"	\$382.00	\$891.00	\$2,048.00	\$6,753.00	\$12,810.00	\$891.00 \$2,048.00 \$6,753.00 \$12,810.00 \$18,440.00 \$22,335.00	\$22,335.00	\$63,659.00
8 1/2" x 15" -with color bar	1"	\$756.00	\$1,322.00	\$756.00 \$1,322.00 \$2,585.00	\$7,618.00	\$7,618.00 \$14,124.00	\$19,595.00	\$24,339.00	\$70,339.00
8 1/2" × 16"	2"	\$382.00	\$891.00	\$891.00 \$2,048.00	\$6,753.00	\$12,810.00	\$6,753.00 \$12,810.00 \$18,440.00 \$22,335.00	\$22,335.00	\$63,659.00
8 1/2" x 16" -with color bar	2"	\$756.00	\$1,322.00	\$2,585.00	\$7,618.00	\$756.00 \$1,322.00 \$2,585.00 \$7,618.00 \$14,124.00	\$19,595.00	\$24,339.00	\$70,339.00
8 1/2" x 18"	1"	\$382.00	\$891.00	\$891.00 \$2,048.00	\$6,753.00	\$6,753.00 \$12,810.00	\$18,440.00	\$22,335.00	\$63,659.00
8 1/2" x 18"-with color bar		\$756.00	\$1,322.00	\$2,585.00	\$7,618.00	\$14,124.00	\$756.00 \$1,322.00 \$2,585.00 \$7,618.00 \$14,124.00 \$19,595.00 \$24,339.00	\$24,339.00	\$70,339.00
8 1/2" x 17"	No Stub	\$142.00	\$588.00	\$1,105.00	\$6,202.00	\$6,202.00 \$11,929.00	\$17,232.00	\$20,931.00	\$58,129.00
8 1/2" x 19"	2"	\$382.00	\$891.00	\$891.00 \$2,048.00	\$6,753.00	\$6,753.00 \$12,810.00	\$18,440.00 \$22,335.00	\$22,335.00	\$63,659.00
8 1/2" x 19"-with color bar	2"	\$756.00	\$1,322.00	\$2,585.00	\$7,618.00	\$14,124.00	\$756.00 \$1,322.00 \$2,585.00 \$7,618.00 \$14,124.00 \$19,595.00 \$24,339.00	\$24,339.00	\$70,339.00
								Grand Total of Lot Two	\$652,250.00

# **BID FORM**

# **BID IDENTIFICATION:**

Title: 2022-069 Bid Number: Purchase of Ballot Paper

	VIII Pol ITO
COMPANY:	Vincys Printing LTD
ADDRESS:	1832 Imy Road
CITY, STATE, ZIP:	Scherentedy NY 12306
TEL. NO.:	518-355-4363
FAX NO.:	518-355-2416
FEDERAL TAX ID NO.:	14-1681980
<b>REPRESENTATIVE:</b>	Anthony Denning
E-MAIL:	Vintifisprinting a granilium
SIGNATURE AND TITLE	ATT President Journer
1 1	l l
DATE 63/202	2

BF5

### ATTACHMENT "A" NON-COLLUSIVE BIDDING CERTIFICATE PURSUANT TO SECTION 103-D OF THE NEW YORK STATE GENERAL MUNICIPAL LAW

A. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organizations, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, prior to opening, to any bidder or to any competitor.

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (1), (2), and (3) above have not been complied with; provided, however, that in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons thereof. Where (1), (2), and (3) above have not been complied with, the bid shall not be considered for any award nor shall any award be made unless the head of the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customer of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of paragraph "A" above.

B. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, local law, and where such bid contains the certification referred to in paragraph "A" of this section, shall be deemed to have been authorized by the Board of Directors of the bidder, and such authorization shall be deemed to include the submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation

### ATTACHMENT "B" ACKNOWLEDGMENT BY BIDDER

If Individual or Individuals:

STATE OF )           COUNTY OF )         SS.:	
On thisday ofto me known	, 200, before me personally appeared a and known to me to be the same person(s) described in and lly) acknowledged to me that he (or they) executed the same.
	Notary Public, State of         Qualified in
If Corporation:	Commission Expires
address) 31 SANGALOCO ( AHC MCUS / MARCO instrument; that he knows the seal of the corporation, and that it was so affixed by order of the board of directors of order. DIANE M. MARCO Notary Public, State of New York Certified Schenectady County	, the corporation described in and which executed the above that the seal affixed to the instrument is such corporate seal; the corporation, and that he signed his name thereto by like
Commission Expires: $4876004$	Qualified in $\underline{14}$ Commission Expires $\underline{11}$
If Partnership:	
STATE OF )         COUNTY OF )         SS.:	
On the day of, to me known to be the	, 200, before me personally came individual who executed the foregoing, and who, being duly
sworn, did depose and say that he / she is a partner of the fit	

Notary Public, State of \_\_\_\_\_

\_\_\_\_\_

Qualified in \_\_\_\_\_

\_\_\_\_\_

Commission Expires \_\_\_\_\_

# ATTACHMENT "C" ALBANY COUNTY VENDOR RESPONSIBILITY QUESTIONNAIRE

1. VENDOR IS:				
2. VENDOR'S LEGAL BUSINESS NAME	3. IDENTIFICATION I a) FEIN # <b>1 4 - [6</b> b) DUNS #			
Vinus Printing LTD 4. D/B/A-Doing Business As (if applicable) & COUNTY FIELD: Vinus Printing	5. WEBSITE ADDRES	S (if applicable)		
6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE 1832 (um Rosad Schemetide, NY 12306	7. TELEPHONE NUMBER 518 - 355 - 4362	8. FAX NUMBER 5/8-355-2416		
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECCUTIVE OFFIC IN NEW YORK STATE, if different from above		11. FAX NUMBER		
12. AUTHORIZED CONTACT FOR THE QUESTIONNAIRE Name Anthon Denning Title President Telephone Number 518-355-4363 Fax Number 518 - 355-2416 e-mail Vingsprinting granticom				
	) NAME TI	ΓLE		
	) NAME TI	TLE		
A DETAILED EXPLANATION IS REQUIRED FOR EACH QUESTION ANSWERED WITH A "YES," AND MUST BE PROVIDED AS AN ATTACHMENT TO THE COMPLETED QUESTIONNAIRE. YOU MUST PROVIDE ADEQUATE DETAILS OR DOCUMENTS TO AID THE COUNTY IN MAKING A DETERMINATION OF VENDOR RESPONSIBILITY. PLEASE NUMBER EACH RESPONSE TO MATCH THE QUESTION NUMBER.				
14. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST FIVE (5) YEARS, ANY OTHER BUSINESS NAME, FEIN, or D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor.				
<ul> <li>15. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGH TO THE VENDOR, INCLUDING PRICIPAL OWNERS AND OFFIC PAST ONE (1) YEARS HAVE SERVED AS:</li> <li>a) An elected or appointed public official or officer? List each individual's name, business title, the name of the organ to, and dates of service</li> <li>b) An officer of any political party organization in Albany County, List each individuals name, business title or consulting capacity</li> </ul>	ERS, WHO NOW SERVE OR IN nization and position elected or app whether paid or unpaid?	THE D Yes V No nointed		

16.	OR CC OR MC SHAR	N THE PAST (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL INSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% DRE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE ES FOR ALL OTHER COMPANIES), AFFLITIATE OR ANY PERSON INVOLVED IN THE NG OR CONTRACTING PROCESS:		
	a)	1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process;	🗌 Yes	No No
		2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease;		
		3. entered into an agreement to a voluntary exclusion from bidding/contracting;		
		<ol> <li>had a bid rejected on an Albany County contract for failure to comply with the MacBride Fair Employment Principles;</li> </ol>		
		<ol><li>had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract;</li></ol>		
		<ol> <li>had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise, de-certified, revoked or forfeited;</li> </ol>		
		<ol><li>been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract;</li></ol>		
		<ol> <li>been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or</li> </ol>		
		<ol><li>had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract.</li></ol>		
	b)	been indicted, convicted, received a judgment against them or a grant of immunity for any business- related conduct constituting a crime under local, state or federal law including but not limited to, fraud extortion, bribery, racketeering, price-fixing, bid collusion or any crime related to truthfulness and/or business conduct?	🗌 Yes	No
	c)	been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination of violations of:	🗌 Yes	No
		1. federal, state or local health laws, rules or regulations.		
17.	JUDGN AGEN Indicat judgme amount	E PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES 1 HAD ANY CLAIMS, MENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL CY? e if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, nt, injunction, lien or other with an explanation. Provide the name(s) and address(cs) of the agency, the of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate us of each item as "open" or "unsatisfied."	🗋 Yes	M No
18.	DURIN	IG THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:		
	Ĺ	ile returns or pay any applicable federal, state or city taxes? Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed o file/pay and the current status of the liability.	🗌 Yes	No
	b) 1	ile returns or pay New York State unemployment insurance? Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.	Yes	No No
		Property Tax Indicate the years the vendor failed to file.	🗌 Yes	H No
19.	ITS AF BANK REGAI Indicate and FE	ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR FILIATES 1 WITHIN THE PAST SEVEN (7) YEARS (WHETHER OR NOT CLOSED) OR IS ANY RUPTCY PROCEEDING PENDING BY OR AGAINST THE VENDOR OR ITS AFFILIATES RDLESS OR THE DATE OF FILING? e if this is applicable to the submitting vendor or affiliate. If it is an affiliate, include the affiliate's name IN. Provide the court name, address and docket number. Indicate if the proceedings have been initiated, pending or have been closed. If closed, provide the date closed.	TYes	No
20.	BELIE IT? Pro Ration,	VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO VE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST vide financial information to support the vendor's current position, for example, Current Ration, Debt Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an anding of the vendor's situation.	TYes 🗌	D No

21. IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES1 :

🗌 Yes	<b>W</b> No
-------	-------------

a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;

Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.

1 "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

1

### ALBANY COUNTY VENDOR RESPONSIBILITY QUESTIONNAIRE

FEIN # 14-1681980

State of: Nw York SS: County of: Shere

#### **CERTIFICATION:**

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the County of Albany in making a determination regarding an award of contract or approval of a subcontract; acknowledges that the County may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine and/or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information ad belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that Albany County will rely on the information supplied in the questionnaire when entering
  into a contract with the vendor;
- Is under duty to notify the Albany County Purchasing Division of any material changes to the vendor's responses.

Name of Business Vinys Rinting LTD Signature of Owner Address 1832 (my Rond Printed Name of Signatory City, State, Zip Schurthdy, NY 12306 Title Uwner / President ,20,27 Swam before me this day of 1. MARIC Printed Signature

Date

DIANE M. MARCO Notary Public, State of New York Certified Schenectady County #4876004 Commission Expires

#### Attachment "D" Certification Pursuant to Section 103-g Of the New York State General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
  - 1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
  - 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.